

## REMARKS

The above claims of record in the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated December 16, 2004. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

### Status of the Claims

Claims 1-22 are under consideration in this application.

### Prior Art Rejection

Claims 1-16 and 21-22 were rejected under 35 U.S.C. § 103 as being rendered obvious by U.S. Pat. No. 6,293,802 to Ahlgren. (hereinafter "Ahlgren") in view of U.S. Pat. App. No. 2002/0064764 by Fishman et al. (hereinafter "Fishman"), adjacent claims 17-19 as being rendered obvious by Ahlgren. in view of Fishman, and further in view of U.S. Pat. No. 5,857,855 to Katayama (hereinafter "Katayama"). These rejections have been carefully considered, but are most respectfully traversed, as more fully discussed below.

A body movement training method of the present invention, as now recited in claim 1 (e.g., Figs. 1-2), comprises: storing images of at least one trainer in a server; providing mobile image communication between a trainee and the server; taking at least one image of the trainee at a training or sport site 5; searching the server for at least one of the images of said trainer with a *corresponding movement* to said image of the trainee (page 12, line 7) based upon a request of the trainee sent from a *portable mobile phone communication terminal* 1 via the mobile image communication to the server (p. 10, 2<sup>nd</sup> paragraph); sending said searched image of the trainer to the portable mobile phone communication terminal via the mobile image communication; displaying side by side said searched image of said trainer and said image of the trainee on the *portable mobile phone communication terminal* 1. The mobile image communication is implemented by a mobile network system, and Internet.

Applicant respectfully submits that none of the cited prior art references discloses, teaches or suggests "searching the server for at least one of the images of said trainer with a corresponding movement to said image of the trainee based upon a request of the trainee sent

from a **portable mobile phone communication terminal** via the mobile image communication to the server” and “displaying side by side said searched image of said trainer and said image of the trainee on the ***portable mobile phone communication terminal***” as recited in claim 1 according to the invention.

As admitted by the Examiner on page 3, lines 6-7, Ahlgren’s computer system 1602 is neither portable, nor designed to support mobile phone communication. At most, Ahlgren deploys the computer system 1602 with “a cellular phone link (col. 22, line 55)” as the capture station 104 or the analysis center 108 (Fig. 1), which is merely a link not involving any cellular phone or ***portable mobile phone communication terminal*** for sending an image search request and displaying the searched images side by side.

The computer terminal 130 in Fishman was relied upon by the Examiner to teach a portable computer system. With calibration units provided to precisely position cameras, a mat, and a teed golf ball for data collection, devices permitting laser distance measurement, level sensors, along with a portable computer, Fishman’s “portable” multimedia analysis system 100 may be readily transported, so that data capture of a golfer’s swing may be commenced at locations such as golf course fairways, pro shops, or trade shows ([0079]). Such a portable computer system is different from a ***portable mobile phone communication terminal*** in essence since the computer system does not transmit and receive sound like a radiotelephone. Nor does the portable communication system communicate with any cellophane base station.

Even a portable computer is very different from a ***portable mobile phone communication terminal*** in essence. A ***portable computer*** could be carried from place to place, which embraced a number of very different computers – from those that would be carried only with some reluctance to those, such as laptop computers and notebook computers, that can be comfortably carried and used in transit. On the other hand, a ***portable mobile phone communication terminal*** is a mobile radiotelephone for transmitting and receiving sound, especially speech, often in an automobile, that uses a network of short-range transmitters located in overlapping cells throughout a region, with a central station making connections to regular telephone lines. There are clear distinctions between a portable computer and a mobile phone communication terminal according to the invention as of May 2, 2001, the filing date of the application such that one skilled in the art trying to improve the Ahlgren system would not be motivated to look into Fisherman. PDAs or palmtops with wireless connection, and BlackBerry

(a wireless e-mail device having a microprocessor with limited computing capacity), which blur the distinction between a portable computer and a *portable mobile phone communication terminal* became available only recently (after the invention).

Even if, *arguendo*, a person of ordinary skill were motivated to combine the teachings in Ahlgren and Fishman as alleged by the Examiner, such combined teachings would still fall short in fully meeting the Applicants' claimed invention as set forth in claim 1 since, as discussed, there is no teaching of "searching the server for at least one of the images of said trainer with a corresponding movement to said image of the trainee based upon a request of the trainee sent from a **portable mobile phone communication terminal** via the mobile image communication to the server" and "displaying side by side said searched image of said trainer and said image of the trainee on the *portable mobile phone communication terminal*" in either Ahlgren or Fishman.

Katayama and other cited prior art references fail to compensate for the above-mentioned deficiencies.

Although the invention applies a general portable mobile phone communication terminal, the invention applies the portable mobile phone communication terminal "to send a search request to a server for at least one of the images of said trainer with a corresponding movement to said image of the trainee" and "to display side by side said searched image of said trainer and said image of the trainee" (rather than just transmitting and receiving regular sound or images) to achieve unexpected results or properties, such as getting searched images of said trainer and said image of the trainee in a driving range or golf course via a light-weighted, pocket-sized cell phone. The presence of these unexpected properties is evidence of nonobviousness. MPEP§716.02(a).

*"Presence of a property not possessed by the prior art is evidence of nonobviousness. In re Papesch, 315 F.2d 381, 137 USPQ 43 (CCPA 1963) (rejection of claims to compound structurally similar to the prior art compound was reversed because claimed compound unexpectedly possessed anti-inflammatory properties not possessed by the prior art compound); Ex parte Thumm, 132 USPQ 66 (Bd. App. 1961) (Appellant showed that the claimed range of ethylene diamine was effective for the purpose of producing " 'regenerated cellulose consisting substantially entirely of skin' " whereas the prior art warned "this compound has 'practically no effect.' ").*

Although “[t]he submission of evidence that a new product possesses unexpected properties does not necessarily require a conclusion that the claimed invention is nonobvious. *In re Payne*, 606 F.2d 303, 203 USPQ 245 (CCPA 1979). See the discussion of latent properties and additional advantages in MPEP § 2145”, the above-mentioned unexpected properties were unknown and non-inherent functions in view of the prior art portable computer system or mobile phones, since they do not inherently achieve the same results. In other words, these advantages would not flow naturally from following the teachings of prior art portable computer system or mobile phones, since they fail to suggest “searching the server for at least one of the images of said trainer with a corresponding movement to said image of the trainee based upon a request of the trainee sent from a **portable mobile phone communication terminal** via the mobile image communication to the server” and “displaying side by side said searched image of said trainer and said image of the trainee on the **portable mobile phone communication terminal**”.

Applicants further contend that the mere fact that one of skill in the art could arrange a cell phone in the Ahlgren system to meet the terms of the claims is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for one skilled in the art to achieve the claimed combination, much less the unexpected properties achieved by the invention, such as getting searched image of said trainer and said image of the trainee in a driving range or golf course via a light-weight, pocket-sized cell phone, without the benefit of appellant's specification, to make the necessary changes in the reference device. *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984). MPEP§2144.04 VI C.

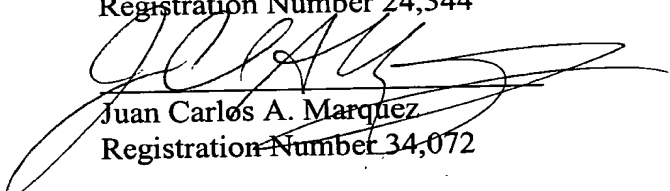
Applicants contend that Ahlgren and its combination with other references fail to teach or disclose each and every feature of the present invention as disclosed in independent claim 1. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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**April 16, 2004**

SPF/JCM/JT